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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,395	01/20/2000	Aravind Sitaraman	062891.0328	4404
5073	7590	09/14/2006	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980				NGUYEN, DUSTIN
		ART UNIT		PAPER NUMBER
		2154		

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/488,395	SITARAMAN ET AL.	
	Examiner Dustin Nguyen	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 June 2006.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-55 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 2,5,13,21,31,40,45 and 49 is/are allowed.

6) Claim(s) 1,3,4,6-12,14-20,22-30,32-39,41-44,46-48 and 50-55 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 1 – 55 are presented for examination.

### ***Allowable Subject Matter***

2. Claims 2, 5, 13, 21, 31, 40, 45 and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

3. Applicant's arguments filed 06/27/2006 have been fully considered but they are not persuasive.

4. As per remarks, Applicants' argued that (1) Yamamoto and Ohkura, alone or in combination, fail to disclose, teach, or suggest "a memory coupled to the access server and operable to store subscriber information for the plurality of subscribers, and path information for the plurality of subscriber, wherein the subscriber information for the particular subscriber is indexed by the path information for the particular subscriber, the path information for the particular subscriber identifying a virtual circuit that is pre-assigned to the particular subscriber for communicating with the access server".

5. As to point (1), Yamamoto discloses a memory [ i.e. external storage unit stores various tables ] [ 17, Figure 7; and col 6, lines 54-col 7, lines 20 ] coupled to the access server [ i.e. path setting server ] [ 1, Figure 7; and col 6, lines 37-46 ] and operable to store subscriber information for the plurality of subscriber [ i.e. path setting server stores a terminal –HUB port VPI/VCI reference table, a terminal state table, a program list table and a televising result table for each STB terminal ] [ Figures 14-17; and col 6, lines 58-col 7, lines 20 ], path information for the plurality of subscribers [ i.e. VPI, VCI, shelf No., card No., circuit No. ] [ Figure 14; and col 6, lines 58-65 ], wherein the subscriber information for the particular subscriber is indexed by the path information for the particular subscriber [ Figures 14 and 15; and col 6, lines 54-col 7, lines 5 ], the path information for the particular subscriber identifying a virtual circuit that is pre-assigned to the particular subscriber for communicating with the access server [ i.e. the ATM-HUB unit has previously set paths between the subscriber terminals and the path setting management server ] [ Abstract; and col 2, lines 14-33 ].

6. As per remarks, Applicants' argued that (2) Yamamoto and Ohkura, alone or in combination, fail to disclose, teach, or suggest "determine subscriber information for communication to the particular subscriber based on the comparison".

7. As to point (2), the above limitation is rejected for the same reasons as mentioned in the previous Office Action. Furthermore, Yamamoto discloses determine subscriber information for communication to the particular subscriber based on the comparison [ i.e. the path setting

management server has the reference table used to detect the port positions for the STB terminal based on the VPI/VCI values of the ATM cell received from the STB terminal [ col 9, lines 41-53 ], and the path setting management server determines whether there are free channels in the video server [ col 9, lines 54-60 ], and then informs the STB terminals that the request is allowed [ col 9, lines 61-67 ] ].

8. As per remarks, Applicants' argued that (3) Yamamoto and Ohkura, alone or in combination, do not disclose, teach, or suggest "compare the path information of the particular subscriber to the particular virtual circuit used to receive the communication from the particular subscriber".

9. As to point (3), Ohkura discloses the above limitation as mentioned in the previous Office Action. Furthermore, Ohkura discloses the entry data memory stores all the VPIs/VCIs previously registered [ i.e. the path information of the particular subscriber ] and performs VPI/VCI comparison for normal ATM cells entered to the OAM processing device [ i.e. the particular virtual circuit used to receive the communication from the particular subscriber ] [ Abstract; and col 7, lines 8-12 ].

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 3, 4, 8, 9, 12, 14-17, 20, 22, 23, 26, 27, 30, 32-35, 38, 39, 43, 44, 48, 50-53, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto [ US Patent No 6,111,882 ], in view of Ohkura et al. [ US Patent No 5,974,045 ].

12. As per claim 1, Yamamoto discloses the invention substantially as claimed including a system for determining subscriber information, comprising:

an access server [ i.e. path setting management server ] [ Figure 7; and col 6, lines 37-57 ] coupled to a plurality of subscribers [ i.e. STB terminals ] [ 4, Figures 4 and 5; and col 5, lines 33-58 ] using a communication network [ i.e. access system ] [ 6, Figure 4 and 5; and col 5, lines 11-32 ] and operable to receive a communication from a particular subscriber using a particular one of a plurality of virtual circuits associated with the communication network [ i.e. the path setting management server determines, based on the receive VPI/VCI, from the which STB terminal the request has been transmitted ] [ col 9, lines 42-45 ];

a memory coupled to the access server [ i.e. storage ] [ Figure 7; and col 6, lines 37-57 ] and operable to store subscriber information for the plurality of subscribers [ i.e. path setting server stores a terminal -HUB port VPI/VCI reference table, a terminal state table, a program list table and a televising result table for each STB terminal ] [ Figures 14-17; and col 6, lines 58-col 7, lines 20 ]; and

path information for the plurality of subscribers [ i.e. VPI, VCI, shelf number, card number, circuit number ] [ Figure 14; and col 6, lines 58-65 ], wherein the subscriber information

for the particular subscriber is indexed by the path information for the particular subscriber [ Figures 14 and 15; and col 6, lines 54-col 7, lines 5 ], the path information for the particular subscriber identifies a virtual circuit that is pre-assigned to the particular subscriber for communicating with the access server [ i.e. the path setting management server has the reference table used to detect the port positions on the ATM-HUB unit and the VPI/VCI values of the VD/CD channels for the STB terminal based on the VPI/VCI values of the ATM cell received from the STB terminal ] [ col 9, lines 42-67 ]; and

a processor coupled to the memory [ i.e. controller ] [ 11, Figure 7; and col 6, lines 37-44 ]; and

determine subscriber information for communication to the particular subscriber based on the comparison [ i.e. the path setting management server generates connection data and transmits to the STB terminal the televising start information in the video server ] [ col 10, lines 1-34 ].

Yamamoto does not specifically disclose  
compare the path information of the particular subscriber to the particular virtual circuit used to received the communication from the particular subscriber.

Ohkura discloses  
compare the path information of the particular subscriber to the particular virtual circuit used to received the communication from the particular subscriber [ i.e. VPI/VCI extractor extracts VPI/VCI of the incoming ATM cell and compares it with the previous registered VPI/VCI records ] [ col 2, lines 1-15; and col 4, lines 27-34 ].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Yamamoto and Ohkura because Ohkura's teaching of comparing

VPI/VCI would allow to verify the incoming VPI/VCI of the subscriber [ Ohkura, col 2, lines 1-15 ].

13. As per claim 3, Yamamoto discloses the access server comprises an interface coupled to the particular subscriber using the particular virtual circuit [ i.e. ATM-HUB ] [ Figure 8; and col 7, lines 21-55 ]; and a controller coupled to the interface and operable to communicate a request identifying the particular virtual circuit that couples the interface and the particular subscriber [ i.e. ATM-HUB controller ] [ 22, Figure 8; and col 7, lines 21-55 ].

14. As per claim 4, Yamamoto discloses the interface comprises a plurality of network line cards, the path information for the particular subscriber further identifies a network line card assigned to the particular subscriber; and the processor is further operable to identify the particular subscriber based upon the path information for the particular subscriber and an identifier of a particular network line card coupled to the particular subscriber [ i.e. ATM-HUB port No., shelf No., card No., circuit No. ] [ Figure 14; col 4, lines 31-46; and col 6, lines 58-63 ].

15. As per claim 8, Yamamoto discloses the particular virtual circuit is associated with the particular subscriber using a virtual channel identifier and a virtual path identifier [ Figure 5; and col 6, lines 54-65 ].

16. As per claim 9, Yamamoto discloses a virtual path identifier and a virtual channel identifier associated with the virtual circuit assigned to the particular subscriber [ col 5, lines 11-57 ].

17. As per claims 12 and 14, they are rejected for similar reasons as stated above in claims 1 and 3.

18. As per claim 15, it is rejected for similar reasons as stated above in claim 4.

19. As per claims 16 and 17, they are rejected for similar reasons as stated above in claims 8 and 9.

20. As per claims 20 and 22, they are rejected for similar reasons as stated above in claims 1 and 3.

21. As per claim 23, it is rejected for similar reasons as stated above in claim 4.

22. As per claims 26 and 27, they are rejected for similar reasons as stated above in claims 8 and 9.

23. As per claims 30 and 32, they are rejected for similar reasons as stated above in claims 1 and 3.

24. As per claim 33, it is rejected for similar reasons as stated above in claim 4.
25. As per claims 34 and 35, they are rejected for similar reasons as stated above in claims 8 and 9.
26. As per claims 38 and 39, they are rejected for similar reasons as stated above in claim 1.
27. As per claims 43 and 44, they are rejected for similar reasons as stated above in claim 1.
28. As per claim 48, it is rejected for similar reasons as stated above in claim 1.
29. As per claims 50 and 51, they are rejected for similar reasons as stated above in claims 3 and 4.
30. As per claims 52 and 53, they are rejected for similar reasons as stated above in claims 8 and 9.
31. Claims 6, 7, 10, 11, 18, 19, 24, 25, 28, 29, 36, 37, 41, 42, 46, 47, 54 and 55, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto [ US Patent No 6,111,882 ], in

view of Ohkura et al. [ US Patent No 5,974,045 ], and further in view of Nessett et al. [ US Patent No 5,968,176 ].

32. As per claim 6, Yamamoto and Ohkura do not specifically disclose the request comprises a RADIUS protocol request. Nessett discloses the request comprises a RADIUS protocol request [ col 13, lines 32-38 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Yamamoto, Ohkura and Nessett because the teaching of RADIUS of Nessett reference would allow access control functionality such as proxy interaction with authentication, authorization, and audit servers [ Nessett, col 13, lines 32-35 ].

33. As per claim 7, Nessett discloses the request comprises a trivial file transfer protocol request [ col 17, lines 45-49 ].

34. As per claim 10, Nessett discloses information used to configure a communication device associated with the particular subscriber [ col 4, lines 10-20 ].

35. As per claim 11, Nessett discloses the subscriber information comprises at least one Internet protocol address for communication to the particular subscriber [ col 4, lines 31-34; and col 30, lines 50-54 ].

36. As per claims 18 and 19, they are rejected for similar reasons as stated above in claims 10 and 11.

37. As per claims 24 and 25, they are rejected for similar reasons as stated above in claims 6 and 7.

38. As per claims 28 and 29, they are rejected for similar reasons as stated above in claims 10 and 11.

39. As per claims 36 and 37, they are rejected for similar reasons as stated above in claims 10 and 11.

40. As per claims 41 and 42, they are rejected for similar reasons as stated above in claims 6 and 7.

41. As per claims 46 and 47, they are rejected for similar reasons as stated above in claims 6 and 7.

42. As per claims 54 and 55, they are rejected for similar reasons as stated above in claims 10 and 11.

43. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

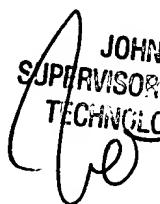
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Follansbee John can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen  
Examiner  
Art Unit 2154

  
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